

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

| | | | |
|--------------------------------|--|-------------------|-------------------------|
| PLAINTIFF | <i>Joseph Peter Schmitt</i> | COURT CASE NUMBER | <i>04-10451</i> |
| DEFENDANT | <i>Jeffery Smith et al</i> | TYPE OF PROCESS | <i>Civil Rights Act</i> |
| SERVE ➔ AT | NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SERVE OR INDEMN | | |
| | <i>Ernest Thierion</i> | | |
| | ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) | | |
| | <i>MIL - CIVIL Section, 30 Walpole Rd</i> | | |

| | | | |
|---|--|---|------------|
| SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: | | Number of process to be served with this Form - 285 | <i>ONE</i> |
| <i>Joseph P. Schmitt, Jr. 3113?</i> | | Number of parties to be served in this case | <i>3</i> |
| <i>3 Administration Road</i> | | Check for service on U.S.A. | |
| <i>Braintree, MA 02304-3230</i> | | | |

SPF AL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

| | |
|---|--|
| <i>No Dept of Corrections To my street, 3113 Braintree, MA 02304-3230</i> | <i>Sumner should be considered same as</i> |
|---|--|

| | | | |
|--|---|------------------|----------------|
| Signature of Attorney or other Originator requesting service on behalf of: | <input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT | TELEPHONE NUMBER | DATE |
| <i>Joseph P. Schmitt</i> | | | <i>10-6-04</i> |

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

| | | | | | |
|---|---------------------------|-------------------------------------|------------------------------------|--|-------------------------|
| I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted) | Total Process <i>1</i> | District of Origin No. <i>38</i> | District to Serve No. <i>38</i> | Signature of Authorized USMS Deputy or Clerk <i>Nancy Salazar</i> | Date <i>10/14/04</i> |
|---|---------------------------|-------------------------------------|------------------------------------|--|-------------------------|

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

| | |
|--|--|
| Name and title of individual served (if not shown above) | <input checked="" type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode. |
| <i>Cheryl Mahon paralegal</i> | |
| Address (complete only if different than shown above) | Date of Service <i>4/12/04</i> |
| | Time <i>10:00</i> am |
| | Signature of U.S. Marshal or Deputy <i>[Signature]</i> |

| | | | | | | |
|-----------------------------|--|----------------|---------------|------------------|--------------------------------|------------------|
| Service Fee <i>90.00</i> | Total Mileage Charges (including endeavors) | Forwarding Fee | Total Charges | Advance Deposits | Amount owed to U.S. Marshal or | Amount of Refund |
|-----------------------------|--|----------------|---------------|------------------|--------------------------------|------------------|

REMARKS:

*11/2 - Accepted serial, will forward to Driver.**2f*

United States District Court

DISTRICT OF

Joseph P. Schmitt, pro se,
Plaintiff,
v.

Jeffrey Smith, et al
Defendants

SUMMONS IN A CIVIL CASE

CASE NUMBER:

04 - 10451 RWE

TO: (Name and address of defendant)

Ernest Therien, disciplinary officer
MCJ-Cedar Junction
P.O. Box 100
Somerville, MA 02076-0100

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Joseph P. Schmitt, M-81137
MA Treatment Center
30 Administration Road
Bridgewater, MA 02324-3230

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

TONY ANASTAS

CLERK

DATE

10/1/04

(BY) DEPUTY CLERK

Shirley A. Wynn

